

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 17 MJ 268

JESUS RIOS,

Defendant.

**ORDER OF COMMITMENT**  
**FOR A DETERMINATION OF COMPETENCY**

THE COURT, having considered the Unopposed Motion of Counsel for the Defendant, Jesus Rios, to determine Mr. Rios' competence to stand trial (which was made pursuant to 18 U.S.C. § 4241, subd. (a)) (Doc. 11) and there being no opposition to the Motion from the United States, by and through its counsel Assistant United States Attorney Eva Mae Fontanez;

THE COURT FINDS, pursuant to 18 U.S.C. § 4241, subdivision [a] that—based on the representations of defense counsel and the Court's own observations of the Defendant's demeanor while in Court—there is a reasonable basis for concluding that Mr. Rios lacks an adequate understanding of the nature of the charges pending against him or the consequences of the proceedings against

him and that Mr. Rios does not have the present ability to consult with his appointed counsel with a reasonable degree of rational understanding.

THEREFORE IT IS ORDERED, pursuant to 18 U.S.C. §§ 4241 (b) and 4247 (b) that the Defendant, Jesus Rios, shall be committed to the custody of the United States Attorney General for placement in a suitable facility designated by the Federal Bureau of Prisons (BOP) for a period of not more than 30 days to undergo an examination by a licensed or certified psychologist or psychiatrist in order to determine if Mr. Rios is competent to stand trial;

IT IS FURTHER ORDERED that, after the completion of the aforementioned examination, the evaluating psychologist shall prepare a report (pursuant to 18 U.S.C. § 4247[c]) to be filed with the Court which addresses the following concerns:

- 1) Mr. Rios' mental health history and his present symptoms
- 2) A description of any psychological, psychiatric or other medical tests which were employed by the evaluating psychologist or psychiatrist and the results of any such tests;
- 3) The evaluating psychologist's or psychiatrist's findings and opinions as to Mr. Rios' present mental or medical diagnosis and prognosis; and

- 4) The evaluating psychologist's or psychiatrist's assessment of whether Mr. Rios suffers from a mental disease or defect which prevents or impairs his ability to understand the nature of the charges and the consequences of the proceedings or to consult with his lawyer with a reasonable degree of rational understanding;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3161, subd. (h)(1)(A), that any period of delay resulting from the time of Defense Counsel's oral motion to determine Mr. Rios' competence to stand trial on February 2, 2017 through and including the termination of any proceeding, including any examination or hearing, to determine Mr. Rios' mental competence or physical capacity shall be excluded in computing the time within which the trial of this case must commence under the Speedy Trial Act;

IT IS SO ORDERED.

  
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THE HONORABLE LAURA FASHING  
UNITED STATES MAGISTRATE JUDGE

Submitted by:

s/ submitted electronically 2/8/17

AFPD Brian A. Pori, Counsel for Jesus Rios

Telephonic Approval 2/8/17

AUSA Eva Mae Fontanez, Counsel for the United States